



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------------------------------------------------------------|-------------|----------------------|--------------------------|------------------|
| 09/549,936 | 04/14/2000 | Eiji Tsuchiya | 1341.1043/JDH | 9110 |
| 21171 | 7590 | 03/02/2005 | EXAMINER | |
| STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | MEINECKE DIAZ, SUSANNA M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3623 | |

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/549,936

Applicant(s)

TSUCHIYA ET AL.

Examiner

Susanna M. Diaz

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Final Office action is responsive to Applicant's amendment filed November 12, 2004.

Claims 1-10, 12, 14, and 17 have been amended.

Claims 1-17 are pending.

Response to Arguments

2. Applicant's arguments filed November 12, 2004 have been fully considered but they are not persuasive.

Applicant argues, "while Douglass discloses using an analysis of personalities of multiple team members to maximize an effort of a team, the present claimed invention recites an analysis of a single individual, together with initial conditions which will vary depending upon the type of event scheduled." (Page 6 of Applicant's response) The Examiner respectfully disagrees. First, while Douglass makes recommendations for working with a team, the team is comprised of individuals and each individual's personality is assessed to determine how he/she will interact with the team (¶¶ 9-10). Each person's potential contribution to the team is assessed on an individual level. Second, the claimed invention does not expressly recite that the initial conditions necessarily *vary* based upon the type of event selected. Even if this limitation were recited in the claims, both Douglass and Gensing are directed toward planning for different projects or jobs, thereby implying that the type of planned project or job would dictate the event items that need to be scheduled accordingly.

Applicant submits that "the Examiner does not discuss any specific evidence of motivation to combine Douglass and Gensing, but only makes conclusory statements." (Page 7 of Applicant's response) The Examiner respectfully disagrees. As explained in the art rejection, both Douglass and Gensing are directed toward more effectively planning projects and jobs in light of the varying personalities of employees. Both articles discuss working toward the same goal of more efficient completion of schedules in preparation for a given event (e.g., completion of the planned project, job, etc.). Therefore, the Examiner maintains that one of ordinary skill in the art at the time of Applicant's invention would have indeed found it obvious and been motivated to combine the teachings of Douglass and Gensing to address the claimed invention for the reasons outlined in the art rejection.

Applicant argues the following:

...However, Gensing fails to disclose anything about automatically making a plan including a plurality of plan items as a whole for an event, as shown, for example, in FIG. 26 of the present invention. Gensing teaches how to conquer procrastination by discovering a peak activation time, prioritizing projects by deadline and then by importance of tasks, making lists, using extra time to tackle smaller tasks rather than wasting the time, setting realistic deadlines for projects, aiming for quality projects, not perfect ones, delegating tasks, scheduling time to work without interruptions, rewarding oneself for meeting deadlines and learning to say no to unreasonable requests for assistance. However, Gensing does not teach or suggest analyzing a character of a single individual, together with initial conditions which will vary depending upon the type of event scheduled in order to plan an event automatically, as is recited by the present claimed invention. (Page 8 of Applicant's response)

First, the Examiner asserts that "prioritizing projects by deadline and then by importance of tasks" (as cited by Applicant) *is* an example of "making a plan including a plurality of plan items as a whole for an event." Second, the claimed invention does not expressly recite that the initial conditions necessarily *vary* based upon the type of event selected. Even if this limitation were recited in the claims, both Douglass and Gensing are directed toward planning for different projects or jobs, thereby implying that the type of planned project or job would dictate the event items that need to be scheduled accordingly.

Applicant asserts that "[n]either Douglass nor Gensing teach or suggest using a computer readable medium for storing instructions to analyze a user's answers to a predetermined questionnaire to obtain a character analysis of a user and planning an event selected by a user based at least in part on the character analysis of the user" (page 8 of Applicant's response). Presumably, Applicant is referring to claims 9 and 14-17. On pages 5-6 of the previous Office action, the Examiner explained why it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement the recited method through use of automatic planning apparatus and components thereof. Applicant did not contest this part of the rejection. Claims 9 and 14-17 essentially recite the software needed to perform the methodology recited in claims 1-8, 12, and 13. Since claims 1-8, 12, and 13 recite the use of automatic planning apparatus and components thereof, software is deemed inherent to such automatic planning apparatus and components thereof in order to instruct the apparatus and components how to carry out the recited method. Therefore, by addressing

apparatus claims 1-8, 12, and 13 that incorporate the methodology corresponding to claims 9 and 14-17, the software recited in claims 9 and 14-17 is deemed to have already been addressed by the rejection of claims 1-8, 12, and 13, as set forth in the art rejection.

Applicant argues that “neither Douglass nor Gensing teach or suggest using a neural network to analyze the user’s answers to determine a level from a predetermined set of levels for each character factor of affection, sincerity, delicacy, action and courage, using levels obtained to set a character rating.” (Page 8 of Applicant’s response) Applicant’s contention is not clear. As per claim 13, the art rejection states that “Douglass’ time management personality assessment of each individual assesses a character rating based on a character analysis of the user using answers to the questionnaire and the character analysis defines a level of tendency toward action of each individual.” Regarding claim 16, Official Notice was taken that it is old and well-known in the art to utilize neural networks to assess data and yield results mimicking human-based reasoning. Applicant has not challenged any of these statements; therefore, the Examiner maintains her position, as set forth in the art rejection. As a matter of fact, Applicant did not challenge the validity of any of the statements of Official Notice in the art rejection; therefore, these statements are now established as facts of record in accordance with MPEP § 2144.03(C).

Applicant argues that “the Examiner is solving a different problem with the combination of Douglass and Gensing than the problem solved by the present claimed invention.” (Page 8 of Applicant’s response) In response to Applicant’s argument that

Art Unit: 3623

Douglass and Gensing are nonanalogous art, it has been held that a prior art reference must either be in the field of Applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the Applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the Examiner asserts that Douglass and Gensing are both concerned with taking the characters of individuals into account in order to more effectively schedule events, such as project tasks and jobs. The claimed invention is directed toward a similar goal, as described in the following excerpt from page 1 of Applicant's specification: "The present invention relates to an automatic planning apparatus and a computer product contained a program used to automatically construct a schedule for an event taking the character of the user into account." Therefore, the Examiner maintains that not only are Douglass and Gensing in the field of Applicant's endeavor, but they are also reasonably pertinent to the particular problem with which the Applicant is concerned.

In conclusion, Applicant's arguments are deemed to be non-persuasive.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douglass et al. ("Understanding Ourselves and Others in the Team") in view of Gensing ("Don't Delay Start Today: Ten Surefire Ways to Conquer Procrastination").

Douglass discusses a time management approach based on the time management personalities of team members. Douglass' assessment process helps to understand individual differences in order to "[move] beyond irritations and confusion to building effective teams" (¶ 1). The personality type of each individual is gauged based on each individual's respective responses to a questionnaire (¶¶ 8-10). In other words, Douglass performs the steps of creating and providing a questionnaire for determining a predetermined property of the user, receiving the answers to the questionnaire, and analyzing the predetermined property of the user based on a predetermined analysis method by considering the answers. Douglass provides in detail the time management style associated with each of four identified time management personality types (¶¶ 18-37). Implicit to Douglass' analysis are the advantages and pitfalls that each individual is likely to face as part of a team, based on his/her respective time management personality type. Douglass does not provide explicit advice to each personality type for planning a particular event; however, Douglass addresses various personality types, including "Time Tarrier" or procrastinator (¶¶ 26-28). Gensing provides procrastinators with tips for conquering the bad habits associated with procrastinators in order to complete planned tasks on time. For example, Gensing recommends that procrastinators organize their tasks by priority and then complete the more important tasks before starting the less important ones (¶¶ 11-16). Another suggestion is that

Art Unit: 3623

larger projects, or events, be broken down into smaller, more manageable tasks (§§ 17-19). The procrastinator's goal is to complete tasks/projects by their established deadlines (i.e., the procrastinator plans backward from the deadlines or initial conditions). Based on the fact that the individual has a tendency to procrastinate (i.e., a predetermined property of the user), recommendations are proffered regarding how to plan, or schedule, completion of the desired tasks/projects in a timely manner.

Grensing's article opens with the statement, "Procrastination is a problem that affects many supervisors and workers" (§ 1). Grensing then proceeds to explain how workers and supervisors can take steps to conquer procrastination. Similarly, Douglass advises managers on how "to better understand their own selves and the team members" (§ 1) through personality assessment of the team members; therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of

Applicant's invention to extend the teachings of Douglass to provide specific advice regarding initial conditions required for executing the planning of an event, including event items as a whole, desired by a user and forming a schedule for the preparation and execution of the event based on the initial conditions and the analysis of the predetermined property of the user (as taught by Grensing and recited in claim 1) in order to assist teams of supervisors/managers and workers/team members in more efficiently and timely completing a planned project, especially in light of the varying time management personalities possessed by the various individuals involved. It should be noted that, since the recommended schedules are based on time management tendencies associated with each individual's personality, a plurality of patterns are

Art Unit: 3623

classified as related to the predetermined property, or classification of a character, of the user and the scheduling is based on a plan linked to the recognized pattern (claim 2). Also, the user is supplied with and notified of the plan data/schedule since planning recommendations are provided to the user (claims 3 and 4). Since the planned/scheduled events occur during each individual's life, it is understood that the event is one of various events in life (claim 8). As per claims 12 and 13, Douglass' time management personality assessment of each individual assesses a character rating based on a character analysis of the user using answers to the questionnaire and the character analysis defines a level of tendency toward action of each individual.

Regarding claims 5-7, Douglass does not explicitly disclose how needed resources for a project are reserved and/or obtained. Gensing acknowledges that the ability to readily obtain needed resources affects the setting of project deadlines (¶¶ 23-24); however, Gensing fails to provide any specific details regarding how such resources are reserved and/or obtained. Official Notice is taken that it is old and well-known in the art to reserve and/or purchase items, articles, or services needed to complete a project and provide payment thereof. As acknowledged by Gensing, the availability of necessary resources is crucial to setting feasible deadlines and Douglass too is directed toward completing projects in a timely manner; therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at time of Applicant's invention to implement with the Douglass-Gensing combination the ability to reserve and/or purchase items, articles, or services needed to complete a project and provide payment thereof in order to facilitate quick and efficient planning of a project in

Art Unit: 3623

its entirety, including assurance of the provision of all needed resources in a timely manner.

Furthermore, as per claims 1-8, 12, and 13, neither Douglass nor Gensing expressly teaches the use of automatic planning apparatus and components thereof (e.g., a questionnaire unit, an analysis unit, an input unit, a planning unit, storage unit, a management unit, etc.). However, Official Notice is taken that it is old and well-known in the art to automate well-known manual processes in order to complete the processes more quickly, efficiently, and accurately than if performed entirely by a human. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to automate the steps discussed above through use of automatic planning apparatus and components thereof (e.g., a questionnaire unit, an analysis unit, an input unit, a planning unit, storage unit, a management unit, etc.) in order to facilitate completion of the processes more quickly, efficiently, and accurately than if performed entirely by a human.

[Claim 9] Claim 9 recites limitations already addressed by the rejection of claims 1-8, 12, and 13 above; therefore, the same rejection applies.

[Claims 10, 11] Claims 10 and 11 recite limitations already addressed by the rejection of claims 1-8, 12, and 13 above; therefore, the same rejection applies.

Art Unit: 3623

[Claims 14-17] Claims 14-17 recite limitations already addressed by the rejection of claims 1-8, 12, and 13 above; therefore, the same rejection applies.

Furthermore, as per claims 15 and 16, neither Douglass nor Gensing expressly teaches use of a neural network to perform assessment of the user's answers to yield a character rating. However, Official Notice is taken that it is old and well-known in the art to utilize neural networks to assess data and yield results mimicking human-based reasoning. Neural networks automate human-based reasoning and therefore can quickly and fairly accurately model and predict approximate results based on this same type of human-based reasoning. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt the Douglass-Gensing combination to performs its assessment of the user's answers to yield a character rating through use of a neural network in order to quickly and fairly accurately model and predict approximate character analysis results based on the human-based reasoning disclosed by Douglass.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 3623

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 25, 2005

Susanna M. Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER
AU 3623